



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

DECEMBER 12, 2006

PRESENT: Acevedo, Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Tolentino, Contract Planner (CP) Bischoff, Associate Planner (AP) Golden, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson.

Chair Benich called the meeting to order at 7:01 p.m. and led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With none present to address matters not appearing on the agenda, the public hearing was closed.

MINUTES:

NOVEMBER 14, 2006 **COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE NOVEMBER 14, 2006 MINUTES WITH THE FOLLOWING REVISIONS:**

Page 4, paragraph 6 {add}:spoke of 'fears' *of getting approval*, during the 2000/01 public hearings.....

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Chair Benich announced that item(s) appearing on the agenda would be taken out of order, resulting from requests by staff and that the consent calendar would be considered as individual items, with agenda item 5 being heard first in the meeting.

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PUBLIC HEARING:

5) ZA-06-10/

SD-05-11/DA-05-09:

DEL MONTE-

GIOVANNI

A request for approval of a development agreement and zoning amendment to establish a precise development plan and rezone an approximate 1.08-acre site from R2(3,500) to R2(3,500)/Residential Planned Development (RPD). The applicant is also requesting approval to subdivide the site into six lots for the construction of six multi-family homes. The subject site is located on the east side of Del Monte Ave., approximately 80 ft north of Christine Lynn Dr.

Disclosure: Chair Benich announced he had visited the site for study purposes.

SP Tolentino gave the staff report, providing an overview of the background and project description. SP Tolentino explained the actions that needed to be addressed by the Commissioners included a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and the request for approval of the zoning amendment, subdivision, and the development agreement applications. She also pointed out the finding and conditions within the prepared resolutions.

SP Tolentino addressed several components of the request:

- improvement of Del Monte Avenue – to be extended 660 feet north, permitting vehicular traffic from Wright Avenue to Llagas Road
- site development standards for the RPD
 - ✧ +/- 66-foot lot depth for lot 5 (where the detention pond will be located and maintained by the property owner) and lot 6
 - ✧ street side setback of 13-feet for lot 1
 - ✧ approximate 12-foot setback for lot 5 along the cul-de-sac bulb frontage
 - ✧ approval of modified setback dwellings
- there will be six lots on the 1.08 acres, with lots 5 and 6 being short for the minimum lot depth requirement by approximately 18 feet
- identified mitigation of environmental assessment issues

Commissioner Mueller inquired if fire sprinklers were required for the dwellings?

SP Tolentino noted that Standard Condition XIX.C on page 15 should be deleted, as fire sprinklers are not required.

Commissioner Mueller raised a cause for concern: the potential liability of *not* having the pond fenced on the private lot (Lot 5). Others agreed, and staff was directed to have the City Attorney review the issue.

Chair Benich asked questions regarding the necessity of having the pond fenced.

SCE Creer commented he could understand the concern of fencing for the detention pond, as he explained a ‘critical element’: the side slopes of detention ponds is 4:1 (for those not fenced) as well as having consideration of the depth of the pond.

Discussion of the matter continued regarding:

- maintenance responsibility for the pond
- easement(s) to let public works enter private property for maintenance

Chair Benich opened the public hearing.

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Clarence Swiontek, 197 Del Monte Lane, told the Commissioners he is the President of the Del Monte Homeowners Association (HOA) and the HOA always welcomes new neighbors. Mr. Swiontek said the only concern was whether plans had been completed for Del Monte in view of the recent improvements to Royal Court? Specifically, he asked about the potential of widening to 52 feet? SCE Creer referenced the drawings as he explained that at the north, this would become a 'two thirds' street.

With no others present to address the matter, the public hearing was closed.

Commissioner Mueller commented he was hesitant to 'go forward because of the need for protections at the detention pond' and potential liability issues for the City.

PM Rowe advised, "If the matter cannot be resolved by staff, the issue will come back to the Planning Commission for further action," PM Rowe stated.

Commissioner Lyle asked about the possibility of burying pipes from the detention pond under the road. SCE Creer stated that was not an accepted policy in view of the other utilities which must be located there.

Commissioner Acevedo briefly discussed the issues of having the detention pond on private property with what appears to be a certain amount of City responsibility. He asked about having successive owners become aware of the issue. SCE Creer advised such would be on a title report. Commissioner Acevedo said if the information was always disclosed, he would be satisfied.

COMMISSIONER MUELLER MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION AS PRESENTED. COMMISSIONER ESCOBAR SECONDED THE MOTION, NOTING THE MITIGATION MONITORING AND REPORTING PLAN PROGRAM WAS INCLUDED, AS WELL. COMMISSIONER MUELLER AGREED WITH THE INCLUSION. *THE MOTION PASSED (7-0) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.*

COMMISSIONER MUELLER OFFERED A RESOLUTION, RECOMMENDING APPROVAL TO REZONE A 1.08-ACRE SITE LOCATED ON THE EAST SIDE OF DEL MONTE AVE. APPROXIMATELY 80-FEET NORTH OF CHRISTINE LYNN DR. FROM R2(3,500) TO R2(3,500)/RESIDENTIAL PLANNED DEVELOPMENT (RPD) AND TO ADOPT A PRECISE DEVELOPMENT PLAN FOR THE CONSTRUCTION OF SIX MULTI-FAMILY HOMES. COMMISSIONER ESCOBAR SECONDED THE MOTION, NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. *THE MOTION PASSED (7-0) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.*

COMMISSIONER MUELLER OFFERED A RESOLUTION, APPROVING A SIX-LOT SUBDIVISION ON A 1.08 SITE LOCATED ON THE EAST SIDE OF DEL MONTE AVE., APPROXIMATELY 80-FEET NORTH OF CHRISTINE LYNN DR. IN A R2(3,500)/RESIDENTIAL PLANNED DEVELOPMENT (RPD) DISTRICT WITH A MODIFICATION: (Addition) SECTION 6: approval of the

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subdivision request is contingent on documented solution of the identified liability concerns; if resolution is not reached by the staff, including the City Attorney, the matter will be returned to the Planning Commission for further action and in the Standard Conditions Checklist: elimination of the fire sprinkler condition. COMMISSIONER ESCOBAR SECONDED THE MOTION, NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. *THE MOTION PASSED (7-0) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.*

Commissioner Mueller said to staff: "If you figure out a solution to the detention issues raised at this meeting, I would like to see it. But that explanation doesn't have to be agendaized for the Planning Commission."

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT APPLICATION DA-05-09: DEL MONTE – GIOVANNI FOR APPLICATION MMC-04-05: DEL MONTE – GIOVANNI. COMMISSIONER ESCOBAR SECONDED THE MOTION, NOTING THE INCLUSION OF THE FINDINGS AND CONDITIONS CONTAINED THEREIN. *THE MOTION PASSED (7-0) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.*

**CONSENT
CALENDAR:**

**1) DEVELOPMENT
SCHEDULE FOR
MEASURE C
APPLICATION,
MMC-04-05:
DEL MONTE-
GIOVANNI**

The applicant is requesting approval of a development schedule for a six-unit multi-family residential development.

SP Tolentino noted this matter is related to the Commissioner discussion that had occurred with the previous item.

Commissioner Lyle noted the first paragraph under Exhibit A needs to be revised to state submitting applications *one month* beyond the filing dates would result in additional fees charged to the applicant as opposed to *six months* beyond the filing dates as currently drafted, given the condensed development schedule.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE DEVELOPMENT SCHEDULE MMC-0405: DEL MONTE – GIOVANNI, WITH THE REVISION TO THE FIRST PARAGRAPH OF EXHIBIT A AS DESCRIBED. *THE MOTION PASSED (7-0) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.*

The regular order of the agenda was resumed.

PUBLIC HEARING:

**1) UPA-95-01: W.
THIRD-CINGULAR**

A request for a Conditional Use Permit amendment to allow for expanded use to provide cellular services. This project includes collocation of two panel antennas on an existing monopole, approximately 300 ft. of enclosed equipment area, and new monopole with a panel antenna.

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Chair Benich introduced AP Golden, and invited him to provide an overview of his experiences as a Planner. AP Golden graciously responded.

AP Golden presented the staff report, noting this request is for an amendment to a Conditional Use Permit (CUP) located on the site generally referred to as 'Nob Hill'.

The applicant, AP Golden said, is planning to co-locate two panel antennas at a height of approximately 27.5 ft on an existing 40ft monopole. The applicant is also asking for approval of a new monopole with one antenna at a height of 19.5ft, AP Golden said. AP Golden advised the Commissioners of the location water tank and equipment building with the other panels which have been installed. An overview of the original use permit, and the amends were explained, and then an indication of the required findings was completed.

AP Golden said that in dealing with cellular sites one of the primary issues was the visual impact. This site is on City property. The City has a lease agreement with Crown Castle for management of the property. At the time of the lease agreement, the lessee and City staff, AP Golden said, visited the site, and then recommended areas for the additional antennas, which the applicant is complying with.

AP Golden further advised of the following:

- efforts for reduction of visual impacts include:
 - paint the equipment to match the water tank
 - vegetation plantings for the monopole (5 Toyon shrubs)
 - It was observed that plantings previously required had fallen into bad condition, with some plants dying. Crown Castle has volunteered to complete replant (seven oak trees).

Commissioner Lyle asked that the date be corrected in Exhibit A, 1: ~~November 14, 2007~~ December 12, 2007.

Commissioner Acevedo inquired as to other stealth techniques, such as painting, for more covertness of the installation? AP Golden explained that several ideas had been discussed, but at this location, the visual impacts were minimal. He went on to explain that since the existing structure was relatively short, the proposed monopole would not stand out exceedingly.

Commissioner Koepp-Baker expressed the hope that there could be a 'reasonable expectation' better care would be given the new plantings. AP Golden responded, "Yes, there will be a landscaping maintenance agreement with the applicant and Crown Castle is to perform the maintenance by agreement." AP Golden further explained the plans Crown Castle has for hand watering the young, newly planted landscaping.

Commissioner Acevedo requested discussion on the location of the poles in front of water tower rather than behind, behind, *which he would have preferred*. AP Golden described the need for direct line of sight to the antennas, and gave details of the monopole and the planned vegetation screening of the equipment. Chair Benich said if the monopole were installed in back of the water tower; it would be higher than is planned. AP Golden advised there is a 'lot less vegetation at the back of the tower'.

Commissioner Lyle stated there were a number of trees which were not in 'good shape'

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and asked, "Is the nature of the agreement with Crown Castle so that if the trees fall, will they be replaced?" AP Golden said he is unsure about the terms of the lease with Crown Castle, however it is a city owned property and the city could perform maintenance. AP Golden also stated that future carriers might be required to plant additional vegetation.

Commissioner Mueller commented that it looks as though there is a visual corridor running southwest from the water tower to some point below, and asked if that visual corridor would be blocked off? PM Rowe explained that the gap is not seen from the ground level.

Chair Benich opened, and then closed, the public hearing, as there were no persons present to address the matter.

NOTING THE REQUIRED FINDINGS AND CONDITIONS, AS WELL AS THE DATE CHANGE IN EXHIBIT A, 1 [~~NOVEMBER 14, 2007~~ DECEMBER 12, 2007], COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING AN AMENDMENT TO A CONDITIONAL ~~USE~~ PERMIT TO ALLOW ADDITIONAL EQUIPMENT TO BE INSTALLED FOR CINGULAR WIRELESS SERVICES. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO, who stated the location of the antennae will be located where it can be seen from downtown, as he declared the need for 'real aggressive stealth techniques' for these installations; he also noted it would be preferable to have such installations on commercial buildings; ABSTAIN: NONE; ABSENT: NONE.

**2) ANX-06-01/
ZA-06-01/USA-05-02:
EDMUNDSON-OAK
MEADOW PLAZA**

A proposed amendment to the Urban Service Area to include 34 acres of land, a proposed amendment to the Zoning Map to pre-zone 19 acres R-1 12,000 RPD and 15 acres Open Space, and the proposed annexation of the 34-acre area. The subject area is located on the west side of Sunset Ave. opposite Denali Dr., Yellowstone Dr., Whitney Way and Bryce Dr. These applications were previously considered by the Planning Commission and City Council earlier this year. The applications were tabled by the City Council with direction given to the applicant to meet with nearby property owners in an effort to resolve property development issues.

Chair Benich opened the public hearing.

Robert Hall, 406 Waterton Court, said he had not received the information that the meeting was being tabled, nor had he received notice of the hearing in October. "I would appreciate it if I could receive the notices," Mr. Hall said. "I will be back when the next meeting is set," he said. Mr. Hall concluded that he was opposed to '50 units; 20 - 30 max would be more reasonable'.

With no others present to speak to the matter, the public hearing was closed.

The Commissioners engaged in discussion, with Commissioner Mueller saying he had no objection to tabling but thought it might be best to consider how thorough the hearing might be: if there is still controversy, a workshop would be best. Commissioner Acevedo agreed, saying he thought a workshop had been recommended at the October

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meeting.

CP Bischoff said that staff was not clear if an extra workshop was requested or if the Commissioners intent was to consider the matter as part of its regular meeting.

Commissioner Mueller said, "Given the complexity of the issue – we might want to have the workshop two weeks in advance of the decision-making meeting.

COMMISSIONERS ESCOBAR/MUELLER MOTIONED TO TABLE THE APPLICATIONS. STAFF WAS DIRECTED TO SCHEDULE FUTURE CONSIDERATION OF THESE APPLICATIONS OVER TWO MEETINGS, WITH ACTION BEING TAKEN AT THE SECOND MEETING.

THE MOTION PASSED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

3) EOT-06-04: The applicant is requesting approval of a one-year extension of the conditional use permit approval for the construction and operation of a 12,488-sf church at the southeast corner of Diana Avenue and Walnut Grove Drive.
DIANA-APOSTOLIC CHURCH

PM Rowe gave the staff report, indicating the request is made as the applicant needs to sell currently owned property in San Jose. Both staff and the applicant believe one year is enough time for the extension.

Chair Benich opened, and then closed, the public hearing, as there were no persons present to address the matter.

Commissioner Escobar asked if the property in San Jose is in escrow, adding it would be important to know the level of activity. PM Rowe referred to a letter from the applicant wherein it is indicated that the sale is pending.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED APPROVAL OF THE REQUEST FOR A ONE-YEAR EXTENSION OF THE CONDITIONAL USE PERMIT APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A 12,488-SF CHURCH AT THE SOUTHEAST CORNER OF DIANA AVENUE AND WALNUT GROVE DRIVE. THE MOTION PASSED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

Noting subject of item 4 was in close proximity to property which he owns, Commissioner Acevedo was excused at 8:12 p.m. due to potential conflict of interest.

4) DA-06-06: A request for approval of a development agreement for a 15-unit mixed use residential development located on an approximate one acre site at 17620 Monterey Road, north of Main Ave. and east of McLaughlin Ave.
MONTEREY-GUNTER

PM Rowe presented the staff report, explaining that the project has been through ARB and it is planned to have phase 1 completed first, then combine phases 2 and 3. The award of the allotments was finalized in March, 2006 with the resolution prepared for this meeting to memorialize the prior action. PM Rowe also noted that the consent

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agenda contained the development schedule with a revision found on page 7.

Commissioner Lyle referred to the development agreement in which it is a requirement for *below moderate rate housing* to be utilized. "How much – in terms of dollars- is below market rate?" Commissioner Lyle asked. PM Rowe responded it is a relatively trivial amount and can be as low as \$1.00.

Commissioner Lyle then turned to the development schedule, asking if it would be better to 'roll' the one unit in phase two into phase three? PM Rowe responded that would be at the discretion of the Planning Commission.

Other issues raised were:

-  page 8 iii microwave over range exhaust needs to be vented to the outside
-  page 9 Chair Benich commended the developer for agreeing to install solar hot water; "This is great," he said, "I'd like to see more for future developments."
-  page 12 the developers were congratulated for the emphasis on recycling

Chair Benich opened the public hearing.

Ben Fuller, 6070 Winged Foot Dr., Gilroy, was present as the applicant's representative. Mr. Fuller said, "We're proud of the items you've mentioned. It's been a long journey. We are thrilled to have wonderful tenants for the project.

Chair Benich asked Mr. Fuller to work actively with VTA to have a covered bus stop, stating his belief that if a bus stop is covered it would be more likely to experience increased use (Standard Conditions: Page 12 development agreement: livable community)

Responding to a question from Commissioner Lyle, Mr. Fuller indicated intent to begin work with the local contractor as he is hoping to start construction the first part of February as the plans are in now and going through the permit process.

With no others present to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT APPLICATION DA-06-06: MONTEREY – GUNTER FOR APPLICATION MC-05-03, WITH THE MODIFICATION(S) NOTED IN DISCUSSION. COMMISSIONER ESCOBAR SECONDED THE MOTION. *THE MOTION PASSED (6-0-1) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ACEVEDO WAS ABSENT, having been excused as a potential for conflict of interest.*

CONSENT CALENDAR:

2) DEVELOPMENT SCHEDULE FOR MC APPLICATION, MC- 05-03:MONTEREY- GUNTER

The applicant is requesting approval of a development schedule for a 15-unit mixed-use residential development.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE

DEVELOPMENT SCHEDULE FOR A 15-UNIT MIXED-USE RESIDENTIAL DEVELOPMENT (MEASURE C APPLICATION, MC-05-03: MONTEREY-GUNTER) WITH THE FOLLOWING MODIFICATIONS:

**EXHIBIT "A": DEVELOPMENT SCHEDULE MC-05-03: MONTEREY - GUNTER
FY 2006-07 (4 allocations)/~~FY 2008-09 (1 allocation)~~/FY 2009-10 (10 // allocations)**

I. SUBDIVISION AND ZONING APPLICATIONS

Applications Filed: 06-30-2007

II. SITE REVIEW APPLICATION

Application Filed: 09-30-2007
FY 2006-07 (4 units) 09-30-2006
FY 2009-10 (11 units) 09-30-2008

III. FINAL MAP SUBMITTAL

Map, Improvements Agreement and Bonds:
FY 2006-07 (4 units) 01-31-2008
FY 2009-10 (10 [+ 1] units) 01-31-2009

IV. BUILDING PERMIT SUBMITTAL

Submit plans to Building Division for plan check:
FY2006-07 (4units) 08-01-2006
FY2008-09 (1 unit*) 05-15-2008
(*to be added to FY 2009-10 ~ but not included in total for 09-10)
FY 2009-10 (10 units) 05-15-2009

V. BUILDING PERMITS

Obtain Building Permits:
FY2006-07 (4units) 01-31-2007
FY2008-09 (1 unit*) 09-30-2008
(*to be added to FY 2009-10 ~ but not included in total for 09-10)
FY2009-10 (10 units) 09-30-2009

Commence Construction:
FY2006-07 (4 units) 04-30-2007
FY2008-09 (1 unit) 04-30-2009
(*to be added to FY 2009-10 ~ but not included in total for 09-10)
FY 2009-10 (10 units) 04-30-2010

THE MOTION CARRIED (6-0-1) WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT; ACEVEDO WAS ABSENT, having been excused as a potential for conflict of interest.

Commissioner Acevedo returned to the meeting at 8:28 p.m. Chair Bencih announced Item5 had been considered earlier in the meeting.

**6) ABAG DRAFT
REGIONAL
HOUSING NEEDS
ALLOCATION
(RHNA)
METHODOLOGY**

Review of ABAG's Draft Regional Housing Needs Allocation Methodology.

CP Bischoff presented the staff report.

Discussion ensued regarding:

- the 'equality of the demand in suburban areas which is not feasible

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- potential of higher levels of very low income housing in cities where that goal could more feasibly be achievable

CP Bischoff reminded that when ABAG does not require that the housing allotment be constructed, only that there are no impediments to the construction of those units.

The Commissioners discussed the following concerns:

- is the City going to be faulted and have heightened scrutiny due to the numbers projected
- the City is not a housing provider
- land must be made available – no impediments for producer to build very low income

Commissioner Escobar expressed reservation about suggesting that more urbanized areas should receive a higher percentage of affordable units. He felt that the suggestion could be construed to mean the City does not want to do its share to provide such units.

Commissioner Acevedo responded, “But isn’t the argument also – low income employment is generally more readily available in urban areas, and so the housing should go there?”

Commissioner Lyle asked for clarification (2nd paragraph of staff report) of the mention of low land values. CP Bischoff responded, “High density housing units are not generally possible in Morgan Hill.

Chair Benich opened the public hearing. With no one present to address the matter, the public hearing was closed.

Commissioner Escobar led the discussion (in response to Commissioner Acevedo’s observation) communities which are without density find it hard to achieve a mixed population economically. He then expressed concern that planners and decision makers not adopt a philosophy of: ‘we can’t afford you – it would be better to move you to higher density urban areas where more services are available’. ‘Here in Morgan Hill, we still more service industries which don’t require high levels of education and skill so we need housing for those workers,” Commissioner Escobar said. “I am not in favor of sending a message which says, “Morgan Hill wants you to live somewhere else, that’s an incorrect message.” Commissioner Escobar spoke on the need to strike a balance reflective of the City advocating for more trains and buses.

COMMISSIONER MUELLER OFFERED A RESOLUTION TO DIRECT STAFF TO INCLUDE THE COMMENTS MADE DURING THE DISCUSSION OF THE ABAG DRAFT REGIONAL HOUSING NEEDS ALLOCATION (RHNA) METHODOLOGY AND FORWARD SAME TO THE CITY COUNCIL, NOTING THAT THE COMMISSIONERS HAD GIVEN APPROVAL OF THE METHODOLOGY FOR ASCERTAINING THE RANGES AND AFFORDABLE SETS, and incorporating ‘careful wordsmithing’ to convey the Commissioner’s approval. COMMISSIONER ESCOBAR SECONDED THE MOTION, adding an admonition: staff is to do the wordsmithing! THE MOTION CARRIED (7-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

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**7) REVIEW OF
DRAFT 2006/2007
SCVWD CAPITAL
IMPROVEMENT
PROGRAM FOR
CONSISTENCY
WITH MORGAN
HILL GENERAL
PLAN**

A request from the Santa Clara Valley Water District to review the Draft 2006/2007 Santa Valley Water District Capital Improvement Program for consistency with Morgan Hill General Plan.

AP Golden introduced the item and summarized the staff report. Three projects in the CIP occur in Morgan Hill. Staff found that the CIP is generally consistent with the general plan.

AP Golden said that Santa Clara County Valley Water District policy has changed and next year local staffs will be involved in identifying projects which may get into CIP. To that end, he said, the Commissioners can request the Community Development Director to write a letter to the District focusing on projects which will benefit local communities/area.

Commissioner Lyle requested to place in the resolution that general plan goals of Open Space and Conservation Goals for preservation and reclamation of streams and riparian areas as open space and conservation of natural resources should be maintained for the Llagas Creek, Upper, Buena Vista Rd to Wright Ave project.

Chair Benich opened the public hearing.

Dave Chesterman, 5750 Almanden Expressway, San Jose, Capital Program Chief for the Santa Clara Valley Water District said he had held meetings with the Community Development Director and the Public Works Director as part of a new outreach program by the District. Mr. Chesterman stressed the District is making an effort at better connections with all cities throughout Santa Clara County, and although the meetings are usually with staff – sometimes the meeting are with District staff and Planning Commissions. Mr. Chesterman said currently the District is planning to hold such meetings every year. He then spoke on how the staff of Santa Clara Valley Water District has seen strategic issues develop even as there has been a dramatic increase capital costs within the last few years – and further increases are anticipated. Mr. Chesterman said his staff will likely be back to City department heads in the spring to discuss a shorter list of projects because of lack of funds.

Chair Benich stated he would like to see one addition which might help in curbing the increasing cost: the District and the City should be looking at conservation and focus on ways to conserve water, including a dual waste stream program of recycling. “Water is a precious commodity; we can’t keep doing what we’ve been doing,” Chair Benich declared. Mr. Chesterman responded that although it does not appear in the CIP, a large of the District budget is to water recycling and conservation and the Board intends to encourage more in terms of capital expenditures. Commissioner Mueller suggested perhaps tapping into water before purification and use water before into it is put into system wells for landscaping “We need to use water which is not used for human consumption for landscaping,” Commissioner Mueller said. He continued by speaking of well water being 100% potable water in Morgan Hill. *Commissioner Mueller and Chair Benich advocated the Santa Clara Valley Water District to be a lead agency in funding the water conservation plan. Additionally, Chair Benich continued to speak strongly in favor of requiring dual systems for all new constructing with the water not used for waste disposal to be used for landscaping.*

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Commissioner Koepp-Baker spoke on the need - instead of universally capping – to use well water judiciously. She also advised that at the League of Cities meeting she had attended, the State intends to begin requiring dual pipe systems because of the need to reduce the amounts of water from the Colorado River. “We are going to have to go to recycled water,” Commissioner Koepp-Baker proclaimed.

Commissioners discussed with Mr. Chesterman other issues in working on water matters:

- waster water
- the groundwater basin
- household recycling water
- nitrate problems in blended water
- potential for a demonstration plant (with a developer) for a recycling plan

Commissioner Mueller talked about PL566 and how the Water District and the City have worked together to keep that project ‘alive at the Federal level’ and asked Mr. Chesterman what the District is planning for the upcoming year? Mr. Chesterman stressed the need for continued work at the federal level to keep the project in the Corps of Engineers budget.

Commissioner Lyle expressed concern about funds in the budget which appear to be unspent and whether it might be eliminated because of under expenditure? Mr. Chesterman assured that unspent money stays in project, to be used primarily for acquiring properties. Commissioner Lyle suggested that action needs to be reflected in line items to show that the funds are still there and will ‘not go away’. Mr. Chesterman said he will check into the matter and report what is remaining.

Discussion of funding available and years to work on identified projects was discussed. Mr. Chesterman said funds will remain in the targeted projects as the Board suspects in the future there will be less money for projects.

The Commissioners agreed with Commissioner Lyle when he stated, “PL566 is a priority for Morgan Hill.” Mr. Chesterman stressed that the money allocated for working on PL566 ‘will not go away’ as he promised to ‘explain better in the next report’. [Mr. Chesterman said he will send information on how much of the \$4 million has been spent and on what line items.

Ray Yep, 5750 Almanden Expressway, San Jose, also of the Santa Clara Valley Water District, responded to Commissioner Lyle’s question regarding the report reference ‘dam inundation, with no mention of the depth. Mr. Yep referenced the inundation map available at the Santa Clara County Valley Water District or ABAG, as he explained the fact sheet associated with the inundation map.

Commissioner Mueller returned to the issue of the letter raised by AP Golden. He reiterated the items of concern which should be included in the letter:

- the District to work with the City for increasing recycle efforts or investigate other ways to mitigate usage
- recycling emphasis
- demonstration project to be explored

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PL566 discussion: Commissioners and Water District representatives agreed on the importance of maintaining the momentum for getting PL566 on line. It was noted that the City has set aside money for cost-sharing for movement on PL566 as a match is required for the federal funding. Water District representatives said the District is trying to acquire land for the project as rapidly as possible. The Planning Commissioners suggested have some time dedicated time at a future Planning Commission meeting for discussion of upcoming projects tells with District officials invited to attend. Discussion centered on legislation needed for the project. Concerns center around the now known lowered benefit to cost ration (much lower, in fact) and there is need to overcome sectional provisional of the Water Resources Allocation Act to authorize the Corps of Engineers to fund the project.

With no others in attendance to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION REQUESTING THE COMMUNITY DEVELOPMENT DIRECTOR TO COMPOSE AND SEND A LETTER WITH THE ISSUES HIGHLIGHTED DURING THIS EVENING'S DISCUSSION. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH PASSED (7-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

COMMISSIONER MUELLER OFFERED A RESOLUTION FINDING THE SANTA CLARA VALLEY WATER DISTRICT DRAFT 2006-2007 5-YEAR CAPITAL IMPROVEMENT PROGRAM TO BE CONSISTENT WITH THE CITY OF MORGAN HILL'S GENERAL PLAN. COMMISSIONER ESCOBAR SECONDED THE MOTION WHICH PASSED (7-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

8) APPOINTMENT OF PLANNING COMMISSION SUBCOMMITTEE TO REVIEW CHANGES TO THE RDCS EVALUATION CRITERIA AND TO RECOMMEND PROCEDURES FOR SCORING AND AWARDING THE 100th ALLOTMENTS MADE AVAILABLE BY THE VOTERS UNDER MEASURE F

PM Rowe presented the staff report, noting that Section 18.78.188 (C) required the Planning Commission to review the project evaluation standards and criteria following an RDCS competition, to determine whether any changes or amendments are necessary for the next competition, to begin each new allotment year. PM Rowe explained the recommendation for this subcommittee was be appointed for specific issues (including staff assistance with the subcommittee work plan) to address the changes in various areas with the subcommittee additionally being charged with recommending awards for the downtown allotments approved by City voters in November 2006. PM Rowe suggested the recommended make up of a 'working group' to assist the Commissioners through input into the advice generated. It was explained that past practice had included developers, schools, and non-profit organizations, as well as community members with the make-up, with members of the groups varying from year to year. The City's Parks and Recreation Commission has asked to be part of the working group this year to provide recommendations on: improving pedestrian/bicycle paths, working with HOAs for issues of open space, and greater emphasis on providing public parks and pathways within subdivisions.

PM Rowe spoke on the recent passage of Measure F that applies to an area in the Downtown bounded by East Main Avenue, Depot Street, Dunne Avenue and Del Monte Avenue. Within this geographical area, up to 100 additional dwelling units can be constructed for projects that are 25 units or less in size. PM Rowe advised that the

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City Council is to establish the procedures for how these 100 downtown units are to be allocated. Staff recommends making that the first priority of the subcommittee.

Other issues which will be part of the charge to the subcommittee:

- certain guidelines for some type award system if it is determined that a Measure F of competition is not warranted
- request by developers to review and perhaps adjust *project C/P criteria-related commitments since the MHUSD impact fees have been increased* the impact fee schedule (schools have increased)
- possibility of points assigned under competition on lesser fees [workshop with developers, subcommittee and the work group was suggested]
- policy recommendation study: payment of open space fees (like parks and pathways) into a separate account for maintenance

Responding to Commissioner's questions, PM Rowe said the subcommittee should be consisted of two or three Commissioners – with an alternate – based on the City Council model of a subcommittee. However, PM Rowe advised the subcommittee could invite the work group to be active in discussions. He stressed the importance of keeping a 'true subcommittee of the Planning Commission' who will collaborate with the work group.

Chair Benich opened, and then closed, the public hearing, as there were no persons present to address the matter.

Commissioner Davenport indicated he had not originally planned to volunteer for the subcommittee, but had found he has several areas of real concern:

- 1) inclusion of plans for the use of renewable energy
- 2) restricting hazardous substances
- 3) stewardship
- 4) double plumbing for grey water use

Commissioner Koepp-Baker also volunteered for the subcommittee, citing similar interests to those of Commissioner Davenport.

Discussion ensued regarding the of number of Commissioners to be appointed to the subcommittee. Commissioner Koepp-Baker suggested having a Commissioner member who has gone through the process, since she and Commissioner Davenport are relatively new. It was decided that three Commissioners will be on the Subcommittee, with either Commissioner Mueller or Commissioner Lyle being the third member, with those Commissioners having made the decision before the commencement of the Subcommittee meetings by each Commissioner notifying staff.

Discussion then centered on the work group and who would be included from the community

- major stakeholders
- schools
- Chamber of Commerce representatives
- Downtown Association representatives
- developers

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Commissioner Mueller said that while assistance from the public is essential, often the issues addressed are too technical for someone not continually involved on an on-going basis. Commissioner Lyle agreed, saying representatives who are familiar with areas of competition are really what is needed.

Staff is expected to bring areas of concern for discussion.

Other suggestions for participation in the workgroup were:

- ARB (for building materials)
- SCE Creer from the Public Works department
- One or two Parks & Recreation Commissioners (per the PRC's request)

Responding to a question from Commissioner Lyle, PM Rowe indicated that some *direction* from the City Council for discussion items had been received.

Chair Benich was asked to reopen the public hearing.

Dick Oliver, 385 Woodview Ave. spoke to the Commissioners saying that, as a developer, he had no objection to helping fill the need for 1 - 2 developers to be 'sounding boards' for non-voting members of the work group. Mr. Oliver said developers were willing to listen to suggestions see if they would be workable.

Commissioner Lyle expressed the opinion that the Planning Commission, and particularly the subcommittee, needs to be given the full text of "Measure F" very quickly. He also asked, "When are the General Plan updates for "Measure F" scheduled?" PM Rowe advised those are forthcoming.

ANNOUNCEMENTS:

Chair Benich reminded that the December 26, 2006 Planning Commission meeting had been cancelled with the next regularly scheduled meeting to be January 9, 2007.

PM Rowe reported recent City Council actions:

December 6 meeting

1. Approved Zoning Amendment, ZA-06-14: Monterey-Azar, from Office Commercial to General Commercial.
2. Following considerable testimony, the Zoning Amendment, ZAA-00-14: Oak Park-Gentile on 4-1 vote was approved with a compromise to remove the window and permit the French doors. The Council members, in agreeing to have the French doors remain, restricted any projection to only allow the doors to open and close. All other projection(s) must be removed (4-1 vote)
3. Zoning Amendment, ZA-06-03: City of Morgan Hill - Light Commercial residential zoning district was approved as recommended by the Planning Commission.

Chair Benich said he had been reminded during the presentation of the Santa Clara Valley Water District that the Commissioners had requested (for the upcoming year), to have it reflected in the various items of the CIP, to see how much spent as compared to previous years.

ADJOURNMENT:

Wishing 'Happy Holidays' to all, Chair Benich adjourned the meeting at 9:50 p.m. The Commissioners echoed the greeting of the Chair.

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MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk